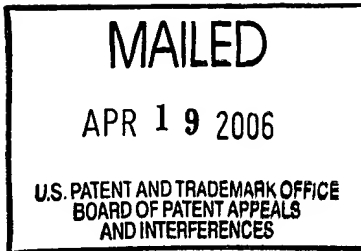


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VINCENZO SCOTTO DI CARLO
and
EGON SCHULZ

Application 09/538,792

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that the Appeal Brief filed July 20, 2005, states that "[c]laims 1-14 are rejected and are under appeal. No claims were cancelled" (page 2, Status of Claims). The Examiner's Answer

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mailed October 5, 2005, states that "[t]he statement of the status of claims contained in the brief is correct" (page 2, "Status of Claims"). However, the "Grounds of Rejection" appearing on page 3 of the Examiner's Answer is listed as follows:

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., Patent #6,333,973.

Clarification is required regarding the status of claims 13 and 14.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) clarification regarding the status of claims 13 and 14.

2) if necessary, to issue a revised Examiner's Answer which corrects the "Status of Claims" and the "Grounds of Rejection";


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3) for written notification to appellants regarding
the action taken; and

4) for such further action as may be appropriate.

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By:

A handwritten signature in black ink, appearing to read "Dale M. Shaw", is written over a horizontal line.

DALE M. SHAW
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DMS/psb

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